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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,720	02/08/2000	Dale C. Morris	10991915-1	1658

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EXAMINER

ROJAS, MIDYS

ART UNIT	PAPER NUMBER
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2189

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/499,720

Applicant(s)

MORRIS ET AL

Examiner

Midys Rojas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to independent claims 1, 6, 12, 17, and 23 have been fully considered but they are not persuasive.

Applicant argues that the Arora patent does not teach nor suggest storing a privilege promotion instruction in a first page of memory not writeable by application instructions at a first privilege level. However, Arora discloses an instruction memory 36 storing a plurality of instructions (storing a privilege promotion instruction in a first page of memory... see Figure 2) wherein processing these instructions direct the processor to change the privilege level (privilege promotion instructions, see Col. 2, lines 19- 37).

Applicant argues that the Arora patent does not teach nor suggest reading a stored previous privilege level state and comparing the read previous privilege level state to the current privilege level. However, Arora discloses comparing the architectural current privilege level (current privilege level state) with the privilege level of the EPC instruction (previous privilege level state) wherein comparing privilege levels, it is understood that the stored privilege level must be read in the comparison process. See Col. 6, lines 46-61.

Applicant also argues that the Arora patent does not disclose the limitation of promoting the current privilege level to a second privilege level which is higher than the first privilege level if the previous privilege level state is equal to the is equal to or less privilege than the current privilege level. However, Arora discloses increasing the current privilege level if the privilege level of the EPC is higher than the CPL (Col. 6, lines 46-61).

Applicant argues that the Arora patent fails to teach or suggest the limitation of storing a return address to the first page of memory. However, Arora makes mention of processing “branch” instructions (Col. 3, lines 55-67) and “return” instructions instructing the program to return from a subroutine. In the case of branch and return instructions, return addresses are necessary for returning from the particular branch. Branch instructions involve altering the program path by branching to a subroutine in a particular branch address and returning to the original program path using a stored return address.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Arora (6,393,556).

Regarding Claims 1 and 6, Arora discloses a method of promoting a current privilege level (“change current privilege level to a higher privilege level”, Column 6, lines 46-61) wherein the current privilege level controls application instruction execution in the system by controlling accessibility to the system resources (Column 1, lines 30-41), the method comprising: performing a privilege level promotion instruction by the operating system (Column 4, lines 13-27, and Column 6, lines 46-61), the privilege promotion instruction being stored in a first page of memory not writable by application instructions at a first privilege level (instruction memory 36 storing a plurality of instructions... see Figure 2) wherein processing these instructions direct the

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processor to change the privilege level (privilege promotion instructions, see Col. 2, lines 19-37), the privilege promotion instruction including: reading a stored previous privilege level state; comparing the read previous privilege level state to the current privilege level (comparing the current privilege level to the instructions privilege level, column 6, lines 46-49); and if the previous privilege level state is equal to or less privileged than the current privilege level (“since the EPC instruction directs the processor to change the architectural privilege level to a higher privilege level...”, promoting the current privilege level to a second privilege level which is higher than the first privilege level (“...increase the architectural current privilege level from privilege level 3 to privilege level 0”). In comparing privilege levels, it is understood that the stored privilege level must be read in the comparison process.

Arora discloses processing “branch” instructions (Col. 3, lines 55-67) and “return” instructions instructing the program to return from a subroutine; wherein branch and return instructions need return addresses for returning from a particular branch. Branch instructions involve altering the program path by branching to a subroutine in a particular branch address and returning to the original program path using a stored return address.

Regarding Claims 12, 17 and 23 Arora discloses a computer system comprising a processor (Figure 2, processor 30) having current privilege level which controls accessibility to the system resources (Column 1, lines 30-41 and Column 4, lines 13-16; see Figure 2, CPL 38) and having a previous privilege level state (“second privilege level”, Column 6, lines 27-32); a memory (Figure 2, Instruction memory 36) having a plurality of memory pages including a first memory page storing a privilege promotion instruction (“memory stores a plurality of instructions” such as an “EPC instruction which directs the processor to change the privilege

level of the architectural current privilege level”; see Column 3, lines 20-25 and Column 4, lines 13-27) and not writable by application instructions at a first privilege level; and performing the privilege level promotion instruction as follows: reading a stored previous privilege level state; comparing the read previous privilege level state to the current privilege level (comparing the current privilege level to the instructions privilege level, column 6, lines 46-49); and if the previous privilege level state is equal to or less privileged than the current privilege level (“since the EPC instruction directs the processor to change the architectural privilege level to a higher privilege level...”, promoting the current privilege level to a second privilege level which is higher than the first privilege level (“...increase the architectural current privilege level from privilege level 3 to privilege level 0”). In comparing privilege levels, it is understood that the stored privilege level must be read in the comparison process.

Arora discloses processing “branch” instructions (Col. 3, lines 55-67) and “return” instructions instructing the program to return from a subroutine; wherein branch and return instructions need return addresses for returning from a particular branch. Branch instructions involve altering the program path by branching to a subroutine in a particular branch address and returning to the original program path using a stored return address.

Regarding Claims 2, 8, 13, and 19, Arora discloses the method of promoting a current privilege level wherein the step of performing the privilege promotion instruction further includes: if the previous privilege level state is more privileged than the current privilege level (“if the EPC instruction specifies a privilege level lower than or the same as the architectural current privilege level...”), taking an illegal operation fault (“the processor will issue a fault”, Column 6, lines 55-61).

Regarding Claims 3, 9, 14, and 20, Arora discloses the method of promoting a current privilege level wherein the system resources include system registers (architectural register set, Column 3, lines 61-67).

Regarding Claims 4, 10, 15, and 21, Arora discloses the method of promoting a current privilege level wherein the system resources include system instructions (“memory 36 stores a plurality of instructions that are processed in the pipeline”, column 3, lines 22-25).

Regarding Claims 5, 11, 16, and 22, Arora discloses the method of promoting a current privilege level wherein the system resources include memory pages (Figure 2, instruction memory 36).

Regarding Claim 7, 18, and 24 Arora discloses the method of promoting a current privilege level further comprising: performing a return instruction including: transferring instruction control flow to the stored return address to the first page of memory (“a return instruction would instruct the processor to decrease the architectural current privilege level to the previous privilege level”, Column 6, line 65-Column 7, line 3); and demoting the current privilege level to the stored previous privilege level.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Midys Rojas whose telephone number is (571) 272-4207. The examiner can normally be reached on M-F 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on (571) 272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 19, 2005

*Midys Rojas*  
Midys Rojas  
Examiner  
Art Unit 2189

MI

*Mano Padmanabhan*  
7/21/05

**MANO PADMANABHAN**  
**SUPERVISORY PATENT EXAMINER**